UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
JAMES W. GILLIAM, et al.,	: : :	
Plaintiffs,	· :	00 CV 7512 (D.CF
-V-	: :	22-CV-7513 (JMF)
DISCOVER BANK, et al.,	: :	<u>ORDER</u>
Defendants.	:	
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JESSE M. FURMAN, United States District Judge:

On February 2, 2023, Plaintiffs James W. Gilliam and Laura A. Gilliam filed a "Notice of Voluntary Dismissal Pursuant to F.R.C.P 41(a)(1)(A)(i)." See ECF No. 43. Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, however, states that plaintiffs may only dismiss an action without a court order by filing either "(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared." In this case, Defendants have each filed an answer, see ECF Nos. 14 and 43, and the Notice of Voluntary Dismissal is not signed by any defendant. Accordingly, Plaintiffs cannot dismiss the case without a court order.

In light of the foregoing, the Court will treat the Notice as a request for a court order dismissing the case. No later than **February 7, 2023**, Defendants shall file letters indicating whether they have any objections to the request. Absent an objection by that date, the Court is prepared to dismiss the case without further notice to the parties. That said, unless and until the Court does so (or orders otherwise), the telephone conference scheduled for February 13, 2023, at 4:00 p.m. remains in effect.

The Clerk of Court is directed to mail a copy of this order to Laura A. Gilliam.

SO ORDERED.

Dated: February 3, 2023

New York, New York

JESSE M. FORMAN

United States District Judge